

REMARKS/ARGUMENTS

Claims 1-6 are pending in this application. By this amendment, claim 1 is amended and claims 2-6 are added. Support for new claims 2-6 can be found in the specification including the original claims and figures. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

A. The Office Action rejects claim 1 under the judicially created doctrine of obviousness-type double-patenting as being unpatentable over claim 19 of U.S. Patent No. 6,721,447. Notwithstanding that many of the claims in the present application recite features not recited in claims 1-22 of U.S. Patent No. 6,721,447 and to expedite prosecution, Applicants enclose a Terminal Disclaimer. It is respectfully submitted that the Terminal Disclaimer is sufficient to overcome the double-patenting rejection. Withdrawal of the rejection of claim 1 under obviousness-type double-patenting is respectfully requested.

B. The Office Action rejects claim 1 under 35 U.S.C. § 102(b) over U.S. Patent No. 4,414,635 to Gast et al. (hereinafter Gast). The rejection is respectfully traversed.

With respect to claim 1, Applicants respectfully submit that Gast does not teach or suggest at least features of a representative color designating method including determining a representative color value and expressing a reliability of the representative color value, wherein said reliability is determined based on color differences between each color value for each color space component of pixels in image region and the representative color value for corresponding color space component and combinations thereof as recited in claim 1. Further, Applicants

respectfully submit Gast does not teach or suggest any modification to its disclosure that would result in at least features of wherein said reliability is determined based on color differences between each color value for each color space component of pixels and combinations thereof as recited in claim 1.

For at least the reasons set forth above, Applicants respectfully submit claim 1 defines patentable subject matter. Withdrawal of the rejection of claim 1 is under 35 U.S.C. § 102 is respectfully requested.

C. Claims 2-6 are newly added by this amendment and believed to be in condition for allowance.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Carl R. Wesolowski, at the telephone number listed below. Favorable consideration and prompt allowance are earnestly solicited.

Serial No. 10/633,638
Reply to Office Action of November 16, 2004

Docket No. P-0070A

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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